

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

REFINERY INDUSTRIES, INC. : CIVIL ACTION
:
v. :
:
SCOTT TECHNOLOGIES, INC. : NO. 02-4847

ORDER

AND NOW, this 13th day of March, 2003, the Court having granted defendant's application to postpone the March 20, 2003, arbitration pending disposition of its summary judgment motion that it filed on March 10, 2003, without the opportunity for plaintiff to be heard (the Court having attempted without success to reach plaintiff's counsel in view of the imminence of the March 20th arbitration), but counsel for plaintiff having this morning called the Court, and orally moved for reconsideration and for a conference, and after a conference in Chambers this day, and the Court being persuaded that the arbitration should proceed as previously scheduled because (a) defendant's motion for summary judgment was untimely,¹ (b) plaintiff has already prepared witnesses for arbitration, and (c) deferring summary judgment until (if necessary) after arbitration will not prejudice defendant in any material way, it is hereby ORDERED that:

1. Plaintiff's oral motion for reconsideration is GRANTED;
 2. The Court's Order dated March 12, 2003 is VACATED;
- and

¹ The motion for summary judgment and for continuance of the arbitration was filed on March 10, 2003, making the deadline for a response after the arbitration. See Local Rule 7.1(c); Fed. R. Civ. P. 6(e).

3. Defendant's motion for summary judgment is DENIED WITHOUT PREJUDICE as untimely.

BY THE COURT:

Stewart Dalzell, J.